## REMARKS

Claims 12, 14-21, and 44-50 are pending in the Application. Claims 12, 44, 47, and 50 have been amended.

*Claim Rejections – 35 USC § 112*

The Patent Office objected to the drawings as not showing every feature of the invention specified in the claims. Claim 12 has been amended and it is believed that the drawings show every feature of the invention specified in the claims.

*Claim Objections*

The Patent Office objected to Claim 12 as not conforming to the invention as set forth in the remainder of the specification. Claim 12 has been amended and is believed to conform to the invention as set forth in the remainder of the specification.

The Patent Office objected to Claim 50 because of informalities. Claim 50 has been amended and is believed not objectionable.

*Claim Rejections – 35 USC § 112*

The Patent Office rejected Claims 12, 14-21, and 44-50 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 12 has been amended and Claims 12, 14-21, and 44-50 are believed enabled.

*Claim Rejections – 35 USC § 101*

The Patent Office rejected Claims 12, 14-21, and 44-50 under 35 U.S.C. § 101 as being directed to not statutory subject matter. Specifically, the Patent Office stated the claims were directed to storable instructions, which are not necessarily stored, and appear directed to instructions per se. Claim 12 has been amended and Claims 12, 14-21, and 44-50 are believed enabled.

*Claim Rejections – 35 USC § 102*

The Patent Office rejected Claims 12, 21, 44, 45, and 47-49 under 35 U.S.C. § 102(e) as being anticipated by Raimi et al. (U.S. Publication No: 20040078674) ("Raimi").

Applicant respectfully traverses. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Emphasis added.

Applicant respectfully submits that Claims 12, 21, 44, 45, and 47-49 recite elements not disclosed by Raimi. For example, Claim 12 recites "building a state machine from the first and second states, the state machine being capable of executing a plurality of functions, each of the plurality of functions being implemented in code common to multiple parameters and specific to each of the plurality of functions, wherein the plurality of functions includes at least one selected from the group consisting of editing, storing, loading, and displaying." The Patent office cited to Raimi for the above limitations. However, Raimi does not disclose building a state machine from a first and a second state, the state machine being capable of executing a plurality of functions, each of the plurality of functions being implemented in code common to multiple parameters and specific to each of the plurality of functions, wherein the plurality of functions includes at least one selected from the group consisting of editing, storing, loading, and displaying. In the cited sections, Raimi discloses specifying architectural states using Boolean variables and generating test vectors for any state that is reachable (Abstract; paragraph 58). Specifying architectural states

using Boolean variables and generating test vectors for any state that is reachable is not equivalent to each of the plurality of functions being implemented in code common to multiple parameters and specific to each of the plurality of functions. Thus, Raimi does not disclose building a state machine from a first and a second state, the state machine being capable of executing a plurality of functions, each of the plurality of functions being implemented in code common to multiple parameters and specific to each of the plurality of functions, wherein the plurality of functions includes at least one selected from the group consisting of editing, storing, loading, and displaying.

Further, Claim 12 recites "loading test parameters of the multiple parameters for a test through utilization of one of the plurality of functions of the state machine; performing the test with current values of the test parameters through utilization of the state machine; determining whether the test is complete; varying a value of one of the test parameters within a boundary of the one of the test parameters through utilization of one of the plurality of functions of the state machine and testing with the current values of the test parameters through utilization of the state machine until the test is complete; and logging at least one state change of the state machine that occurs during the test". Raimi discloses generation of a text vector rather than testing. Raimi does not disclose loading test parameters of the multiple parameters for a test through utilization of one of the plurality of functions of the state machine. Raimi does not disclose performing the test with current values of the test parameters through utilization of the state machine. Raimi does not disclose varying a value of one of the test parameters within a boundary of the one of the test parameters through utilization of one of the plurality of functions of the state machine and testing with the current values of the test parameters through utilization of the state machine until the test is complete. Raimi does not disclose logging at least one state change of the state machine that occurs during the test. Thus, Raimi does not disclose loading test parameters of the multiple parameters for a test through utilization of one of the plurality of functions of the state machine; performing the

test with current values of the test parameters through utilization of the state machine; determining whether the test is complete; varying a value of one of the test parameters within a boundary of the one of the test parameters through utilization of one of the plurality of functions of the state machine and testing with the current values of the test parameters through utilization of the state machine until the test is complete; and logging at least one state change of the state machine that occurs during the test.

Thus, under *Lindemann*, a *prima facie* case of anticipation has not been established for Claim 12. Claims 21, 44, 45, and 47-49 are believed allowable based on their dependence upon allowable Claim 12.

*Claim Rejections – 35 USC § 103*

The Patent Office rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Raimi in view of Jaramillo et al. (U.S. Publication 20030093608) ("Jaramillo").

The Patent Office rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Raimi in view of Elliot et al. (U.S. Patent No. 6,675,244) ("Elliot").

The Patent Office rejected Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Raimi in view of "block size" by Microsoft Computer Dictionary (MSCD).

The Patent Office rejected Claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Raimi in view of Grey at al. (U.S. Patent No: 6,507,842) ("Grey").

The Patent Office rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Raimi and Grey in view of Coyle et al. (U.S. Patent No.

6,546,507) ("Coyle").

The Patent Office rejected Claims 46 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Raimi in view of Official Notice.

Applicant respectfully traverses the rejections of Claims 14-20, 46, and 50. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Emphasis added. Additionally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Claims 14-20, 46, and 50 depend from Claim 12, which is allowable for the reasons stated above, and should be allowed due to their dependence upon an allowable base claim.

## CONCLUSION

The application is respectfully submitted to be in condition for allowance. Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,
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